

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

FLORENCE BIKUNDI

and

**MICHAEL BIKUNDI,
Appellants**

v.

Appeal Nos.: 16-3066, 16-3067

**UNITED STATES OF AMERICA,
Appellee**

CONSENT MOTION TO FILE JOINT DEFERRED APPENDIX

Pursuant to Rule 30 of the Circuit Rules for the United States Court of Appeals for the District of Columbia Circuit and corresponding Federal Rules of Appellate Procedure, Appellants respectfully seek the Court's leave to file a Joint Deferred Appendix twenty-one (21) days after Appellee's brief is served. See Fed. R. App. P. 30(c)(1). In support of this request, Appellants state as follows:

1. This is an appeal after a nearly four week jury trial following a multiple count, multiple party indictment that charged as follows: Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C. § 1349; Health Care Fraud, in violation of 18 U.S.C. § 1347; False Statements in Health Care Matter, in violation of 18 U.S.C. § 1035; Medicaid Fraud-Failure to Disclose, in violation of 42 U.S.C. § 1320a-7b; Money Laundering Conspiracy, 18 U.S.C. § 1956(h); Laundering of Monetary Instruments, in violation of 18 U.S.C. § 1956 (a)(1)(B)(i), Engaging in Monetary Instruments in Property Derived From Specified Unlawful Activity, in violation of 18 U.S.C. § 1957; Attempted Tampering with a Witness, in violation of 18 U.S.C. § 1512 (b)(3); and Aiding and Abetting; Causing an Act to be Done, in violation of 18 U.S.C. § 2.

2. Appellants were convicted on every count, except for Engaging in Monetary Instruments in Property Derived from Specified Unlawful Activity. (18 U.S.C. § 1957).

3. There were numerous pre-trial motions that were filed and hearings conducted on various issues which are included to some extent in the appellate issues that will be raised. Further, following the trial, both Appellants filed Renewed Motions for Judgment of Acquittal and Motions for New Trial. See Dkt. Nos. 393-394, 391-392.

4. In a lengthy 108-page Memorandum Opinion, the lower court denied Appellants' Motions. See Dkt. 474.

5. Additionally, Appellants fully briefed issues on Forfeiture and issues pertaining to Sentencing. See Dkt. Nos. 424, 427, and 490-491.

6. Therefore, Appellants submit that Appendix will be voluminous.

7. Appellate counsel for the United States consents to this Motion.

WHEREFORE, the foregoing considered, Appellants prays this Honorable Court for an Order directing the parties to file a Joint Deferred Appendix twenty-one days after Appellee's brief is served.

Respectfully submitted,

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Certificate of Compliance Pursuant to Rule 32(g)

Pursuant to Fed. R. App. Pro. 32(g)(1), the Consent Motion to file a Joint Deferred Appendix complies with the word count and type-face requirements for Motions as stated in Fed. R. App. Pro. 27. The word count in the Motion is 441 words.

/s/ William R. Martin

William R. Martin

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April 2017, I caused a true and correct copy of the Consent Motion to File a Joint Deferred Appendix to be served via the Court's Electronic Case Filing system, upon all counsel of record.

/s/ William R. Martin
William R. Martin